

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SCOTT MATHIS,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of  
Social Security Administration,

Defendant.

CASE NO. C06-5641 FDB

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
AFFIRMING THE  
COMMISSIONER'S DECISION

Magistrate Judge J. Kelly Arnold recommends that the Court should conclude that Scott Mathis was properly denied social security benefits because application of the proper legal standard and substantial evidence support the Administrative Law Judge's (ALJ) finding Plaintiff is not disabled.

Plaintiff objects to the Report and Recommendation contending the Magistrate Judge erred in not finding (1) the ALJ failed to properly assessed the medical opinion of Plaintiff's treating physician, and (2), the ALJ determination of residential functional capacity is not supported by substantial evidence.

After carefully considering Plaintiff's arguments against the analysis and authorities presented by the Magistrate Judge, the Court concludes that the Magistrate Judge did not err.


The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, Objections to the Report and Recommendation, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation;

- 1 (2) The administrative decision is AFFIRMED; and
- 2 (3) The Clerk is directed to send copies of this Order to Plaintiff's counsel, Defendant's counsel
- 3 and Magistrate Judge J. Kelley Arnold.
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5 DATED this 15<sup>th</sup> day of June, 2007.

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9 FRANKLIN D. BURGESS

10 UNITED STATES DISTRICT JUDGE

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